IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7664 OF 2005

Ravalnath Motiram Sutar Applicant

versus

The State of Maharashtra Respondent

H.S.Venegavkar for applicant.
K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 13th December 2005

PC :

1. Heard Shri Venegavkar for the applicant and Shri Saste for respondent. Perused the application and the annexures thereto including the order passed below Criminal Bail Application No.58/2005.

2. It appears from the prosecution case that upon a complaint of the Auditor of a Co-operative Society, an offence has been registered under sections 406, 408, 468, 471, 477, 420 read with 34 IPC.. It appears that in the affairs of the co-operative society the Chairman and the Managing Director have released monies in the name of some construction contractor. The construction contractors in their turn have informed that they have not received the sums which are allegedly paid to them. As far as the applicant contractor, the amounts to the tune of

Rs.11.50 lakh have been misappropriated. It is alleged that applicant is also involved in other transactions worth Rs.37.00 lakh.

3. The applicant has been in custody from 13th September 2005 and as far as he is concerned, from the complaint of the Auditor, it does not appear that he was responsible for the cheques being released. It is true that the applicant is a Director on the Board of the said society. As far as his role is concerned, all that is stated in the complaint of the Auditor is that he has colluded with the Secretary, Chairman and Managing Director and amounts have been paid.

4. It is pointed out that all investigations are complete, charge sheet is filed and in fact the prosecution at one stage had not objected to the applicant being released. Even otherwise, apart from a vague statement in the order of Sessions Judge that the record indicates that applicant is involved in similar type of offence, there are no other antecedents, nor is there any apprehension that the applicant would not be available at the stage of trial.

5. Hence following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.56/2005 registered with Chandgad Police Station, Kolhapur, subject to furnishing a personal bond of Rs.25,000/- (Rs.Twenty five thousand only) with one local solvent surety in the like sum;

(ii) The applicant shall attend Chandgad Police Station, Kolhapur one a week till trial is completed;

(iii) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)